

House File 205 - Introduced

HOUSE FILE 205

BY M. SMITH

A BILL FOR

1 An Act relating to access to and disclosure of information
2 concerning mental health treatment or services involving a
3 minor fourteen years of age or older who seeks treatment or
4 services due to the minor's thoughts of causing injury to
5 self or others.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 228.8, subsection 1, unnumbered
2 paragraph 1, Code 2019, is amended to read as follows:

3 A Except as provided in subsection 5, a mental health
4 professional or an employee of or agent for a mental health
5 facility may disclose mental health information to the spouse,
6 parent, adult child, or adult sibling of an individual who has
7 chronic mental illness, if all of the following conditions are
8 met:

9 Sec. 2. Section 228.8, Code 2019, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 5. Mental health information relating to a
12 minor fourteen years of age or older who seeks mental health
13 treatment or services due to the minor's thoughts of causing
14 injury to self or others shall not be disclosed to the parent,
15 guardian, or legal custodian of such minor without the minor's
16 consent.

17 Sec. 3. Section 229.2, subsection 1, paragraph a, Code 2019,
18 is amended to read as follows:

19 a. An application for admission to a public or private
20 hospital for observation, diagnosis, care, and treatment as a
21 voluntary patient may be made by any person who is mentally
22 ill or has symptoms of mental illness. A minor fourteen years
23 of age or older who has had thoughts of causing injury to self
24 or others may make application under this paragraph "a" and an
25 application under paragraph "b" shall not be required. The fact
26 that such minor made such application shall not be reported or
27 disclosed to the parent, guardian, or legal custodian of such
28 minor without the minor's consent.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 Under current law, a mental health professional or an
33 employee or agent for a mental health facility may disclose
34 mental health information to the spouse, parent, adult child,
35 or adult sibling of an individual who has a chronic mental

1 illness under certain circumstances. This bill provides
2 that mental health information relating to a minor who is 14
3 years of age or older who seeks mental health treatment or
4 services due to the minor's thoughts of causing injury to self
5 or others, shall not be disclosed to the parent, guardian, or
6 legal custodian of such minor without the minor's consent.

7 Under current law, a voluntary application for voluntary
8 admission to a public or private hospital for observation,
9 diagnosis, care, and treatment as a voluntary patient may be
10 made by any person who is mentally ill or has symptoms of
11 mental illness; however, in the case of a minor, the parent,
12 guardian, or custodian may make application for admission of
13 the minor as a voluntary patient. The bill provides that a
14 minor 14 years of age or older who has had thoughts of causing
15 injury to self or others may make application under the
16 bill and an application by the minor's parent, guardian, or
17 custodian is not required. The fact that such minor made such
18 application shall not be reported or disclosed to the parent,
19 guardian, or legal custodian of such minor without the minor's
20 consent.